

PLANNING BOARD - 1 FEBRUARY 2012

Planning Board

Wednesday 1 February 2012 at 3.00 pm

Present: Councillors Brooks, Dorrian, Fyfe, Grieve, Loughran, McCallum, Moran, Nelson, Blair (for Rebecchi), White and Wilson.

Chair: Councillor Wilson presided.

In attendance: Head of Regeneration & Planning, Development & Building Standards Manager, Mr G Leitch and Mr M Higginbotham (Environmental & Commercial Services) and Ms V Pollock (for Head of Legal & Democratic Services).

The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Board.

84 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST

84

An apology for absence was intimated on behalf of Councillor Rebecchi with Councillor Blair substituting.

Councillor Blair declared an interest in agenda item 2(g) (Formation of Car Park and Boat Marshalling Area at Royal Gourock Yacht Club, Ashton Road, Gourock (11/0019/IC)).

85 PLANNING APPLICATIONS

85

There were submitted reports by the Head of Regeneration & Planning on the following applications which were dealt with as follows:-

**(a) Application for Discharge of Occupancy Restriction:
Valley View Farm, Dougliehill Road, Port Glasgow (11/0001/MP)**

The report recommended that the Section 75 Agreement in respect of planning permissions IC/03/446 and IC/07/272 be discharged.

After discussion, Councillor Wilson moved that the Section 75 Agreement in respect of planning permissions IC/03/446 and IC/07/272 be not discharged for the following reasons:-

(1) as the Section 75 Agreement in respect of planning permissions IC/03/446 and IC/07/272 was necessary to ensure that successors in title were bound by the requirements of the Agreement in order that the adopted planning policies regarding housing in the Green Belt were not undermined and eroded and, as such, the Agreement had a planning purpose, was relevant, appropriate to the scale of development and reasonable;

(2) as planning permission would not have been granted without connection to a rural based business as the proposal would have been contrary to the former Local Plan;

(3) as discharge of the Section 75 Agreement would be contrary to the current adopted Inverclyde Local Plan; and

(4) as discharging the Section 75 Agreement may create an undesirable precedent.

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As an amendment, Councillor Nelson moved that the Section 75 Agreement be discharged.

On a vote, one Member voted for the amendment and nine for the motion which was declared carried.

Decided: that the Section 75 Agreement in respect of planning permissions IC/03/446 and IC/07/272 be not discharged for the following reasons:-

- (1) as the Section 75 Agreement in respect of planning permissions IC/03/446 and IC/07/272 was necessary to ensure that successors in title were bound by the requirements of the Agreement in order that the adopted planning policies regarding housing in the Green Belt were not undermined and eroded and, as such, the Agreement had a planning purpose, was relevant, appropriate to the scale of development and reasonable;
- (2) as planning permission would not have been granted without connection to a rural based business as the proposal would have been contrary to the former Local Plan;
- (3) as discharge of the Section 75 Agreement would be contrary to the current adopted Inverclyde Local Plan; and
- (4) as discharging the Section 75 Agreement may create an undesirable precedent.

(b) Demolition of Existing High School and Janitor's House and Erection of New Campus School and Enterprise Centre (Amendment Planning Permission 11/0031/IC):

Former Port Glasgow High School, Marloch Avenue, Port Glasgow (11/0259/IC)

Decided: that planning permission be granted subject to the following conditions:-

- (1) that the development to which this permission relates must be begun within 3 years from the date of this permission, to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997;
- (2) that on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the Remediation Strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site, to provide verification that remediation has been carried out to the Authority's satisfaction;
- (3) that the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved in writing by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;
- (4) that no material shall be imported onto the site until written details of the source of the imported material have been submitted for approval in writing by the Planning Authority. The details, which shall be submitted no later than four weeks prior to the material being imported onto the site, shall include: the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed details, to protect receptors from the harmful effects of imported contamination;

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(5) that samples of all facing materials shall be submitted to and approved in writing by the Planning Authority prior to their use, to ensure the suitability of the colour and fabric of materials;

(6) that any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species, to ensure the retention of the approved planting scheme in the interests of visual amenity;

(7) that all soft and hard landscaping, including the drop off parking provision on Marloch Avenue, shall be completed and all approved fences erected prior to the first of the schools being brought into use, in the interests of public safety;

(8) that the outdoor sports pitches shall not be in use outwith the hours of 8am to 9pm Mondays to Fridays, and 8am to 6pm at weekends, in the interests of residential amenity;

(9) that the bus bays shall be marked out prior to the first of the schools being brought into use, to ensure that adequate provision for bus parking is made; and

(10) that the floodlights hereby permitted shall be baffled in order that the threshold vertical luminance at the nearest residential property does not exceed 5 lux, in the interests of residential amenity.

**(c) Variation to Condition No. 1 Part (C) of Outline Planning Permission IC/98/299 as amended:
Former Scott Lithgow and East Glen Yards (Part), Port Glasgow (11/0296/IC)**

There was circulated updated plan showing location of the proposal.

Decided: that planning permission be granted.

**(d) Erection of Non-Food Retail Development Including Car Parking, Landscaping, Access Works, Service/Yards, Security Building and ATM pod:
Land North of Ardgowan Street, Former Scott Lithgow and East Glen Yards (Part), Port Glasgow (11/0298/IC)**

Decided: that planning permission be granted subject to the following conditions:-

(1) that the development to which this permission relates must be begun within 3 years from the date of this permission, to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997;

(2) that before development starts full details of the specification of lighting columns, street furniture (including seating, bins and bollards), directional signage and a Stanley Spencer feature along the footpath within the south west corner of the site shall be submitted to and approved in writing by the Planning Authority, to ensure cohesion and continuity between the individual elements of the overall development;

(3) that before development starts details of the phasing of the proposed development shall be submitted to and approved in writing by the Planning Authority, to ensure that the development proceeds in an agreed sequence;

(4) that before trading starts from any units hereby approved details of the management of the car parking spaces shall be submitted to and approved in writing by the Planning Authority, to ensure an adequate level of public car parking to serve businesses, residents and visitors is available at all times during and after the construction of the development;

(5) that no parking restrictions shall be enforced in the parking areas, with the exception of disabled and parent/toddler parking and staff parking within the service areas, without the prior written approval of the Planning Authority, to ensure an

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adequate level of public car parking to serve businesses, residents and visitors is available at all times during and after the construction of the development;

(6) that the retail units shall not provide for an in-house dry cleaner, post office, travel agent or pharmacy, to protect the retail functions of the existing town centre in the interests of its vitality and viability;

(7) that notwithstanding the provisions of Article 10 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, the express approval of the Planning Authority shall be required in respect of the display of any advertisements of a temporary nature specified in Class IV of Schedule 4 to the Regulations, to safeguard against the proliferation of temporary signage which would otherwise be permitted;

(8) that no retail unit shall be less than 750 square metres gross floor area, to help ensure the nature of future occupiers is unlikely to compete with or result in the displacement of retail outlets within the existing Port Glasgow Town Centre;

(9) that prior to the commencement of development, full details of the hard and soft landscaping scheme, including details of the species, size, numbers and density shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of the phasing of landscaping including completion of planting and surfacing upon completion of construction of the approved buildings, to ensure the provision of a standard of landscaping appropriate to the development;

(10) that any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species, to ensure the retention of the approved landscaping scheme in the interests of visual amenity;

(11) that all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas, to control runoff from the site to reduce the risk of flooding;

(12) that floor levels of the buildings shall be no lower than 5.0 metres above Ordnance Datum, to help prevent flooding of the premises;

(13) that before the commencement of development a Drainage Impact Assessment shall be submitted to and approved in writing by the Planning Authority, to ensure the site is adequately drained to help prevent flooding;

(14) that notwithstanding the submitted layout, a revised plan shall be submitted for the approval of the Planning Authority prior to the start of development showing a total of 43 disabled car parking spaces, 43 parent and child car parking spaces and 40 cycle spaces, to ensure the provision of adequate dedicated parking provision; and

(15) that prior to the start of development full details of the pedestrian crossings, including dropped kerbs shall be submitted to and approved in writing by the Planning Authority, to ensure the acceptability of the crossings in the interests of pedestrian safety.

**(e) Planning Permission in Principle for a Public House, Hotel and Restaurant:
Land North of Ardgowan Street, Former Scott Lithgow and East Glen Yards
(Part), Port Glasgow (11/0306/IC)**

Decided: that planning permission be granted subject to the following conditions:-

(1) this permission is granted under the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on an application for planning permission in principle and further approval of the Council or of the Scottish Ministers on appeal shall be required with respect to the under mentioned matters

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hereby reserved before any development is commenced:

- (a) the siting, design and external appearance of any building(s) to which the planning permission or the application relates;
- (b) details of the access arrangements;
- (c) details of the landscaping of the site, including play provision, to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997;
- (2) that in the case of matters specified by conditions application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,
 whichever is the latest, and provided only one such application may be made in the case after the expiration of the three year period mentioned in sub paragraph (a) above, to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997;
- (3) that the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission or within 2 years from the final approval of matters specified by conditions, whichever is the later, to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997;
- (4) that finished floor levels within the application site shall be set at or above 5.0 metres above Ordnance Datum, to prevent flooding of the premises; and
- (5) that all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas, to control runoff from the site to reduce the risk of flooding.

**(f) Proposed Erection of Class 1 Retail Unit:
Fife Road, Greenock (11/0295/IC)**

Decided: that planning permission be granted subject to the following conditions:-

- (1) that no development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning Authority; development thereafter shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives, to ensure a choice of materials sympathetic to this part of Greenock;
- (2) that the shop hereby approved shall not be open to customers or accept deliveries outwith the hours 07.30 to 20.00 on any day. Staff arriving for work shall do so no earlier than 07.00 and shall leave no later than 20.30 on any day, to safeguard the residential amenity and character of the adjoining residential area;
- (3) that noise from air conditioning units shall be within Noise Rating Curve 25 (between the hours of 23:00 and 07:00) and Noise Rating Curve 35 (between the hours of 07:00 and 23:00) when measured within the nearest noise sensitive property, to protect the amenities of occupiers of premises from unreasonable noise and vibration levels;
- (4) that prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the

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treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;

(5) that the development shall not commence until an environmental investigation and risk assessment, including any necessary Remediation Strategy with timescale for implementation, of all pollutant linkages has been submitted to and approved in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The Remediation Strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options, to satisfactorily address potential contamination issues in the interests of environmental safety;

(6) that on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the Remediation Strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site, to provide verification that remediation has been carried out to the Authority's satisfaction;

(7) that the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved in writing by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;

(8) that no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials have been submitted for approval in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details, to protect receptors from the harmful effects of imported contamination; and

(9) that access, parking and turning facilities for delivery vehicles within the adjoining yard to the south east of the site, as detailed in docquetted drawing 2094-ST-002, shall be maintained in perpetuity, in the interests of road safety on Fife Road.

**(g) Formation of Car Park and Boat Marshalling Area:
Royal Gourock Yacht Club, Ashton Road, Gourock (11/0019/IC)**

The report recommended that planning permission be refused for the following reasons:-

(1) as the proposed development is contrary to the aims of policies LR1, LR6, LR7 and DS6 in that the construction of the car park and boat marshalling area would be a detrimental visual intrusion into an otherwise mainly natural environment, which would not support, safeguard or enhance the designated open space, core path or strategic cycle route and would be detrimental to the environment of the coastline; and

(2) as the car park and boat marshalling area has the potential to form a detrimental setting for the C(S) Listed Royal Gourock Yacht Club building.

Councillor Blair declared a non-financial interest in this matter as a social member of the

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Club. He also formed the view that the nature of his interest and of the item of business did not preclude his continued presence in the Chamber or his participation in the decision making process.

Decided: that consideration of the application be continued for a site visit to be arranged by the Head of Legal & Democratic Services in consultation with the Convener.

86 PLANNING APPEAL - 32-36 KEMPOCK STREET, GOUROCK**86**

There was submitted a report by the Head of Regeneration & Planning advising that following the decision of the Board at the meeting held on 7 September 2011 to refuse planning permission for the erection of a four storey building comprising a retail unit at ground floor level, associated storage area at lower ground floor level and office accommodation at first and second floor level at 32-36 Kempock Street, Gourrock (11/0122/IC) and the subsequent appeal by the applicant to the Scottish Government against that refusal, the Reporter appointed by the Scottish Government had issued his decision which was to uphold the appeal and grant planning permission subject to a number of conditions.

Noted